

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DAVID ROBERT KITCHEN,)
Petitioner,)
v.)
WARDEN DJ HARMON,)
Respondent.) Civil Action No. 3:17-CV-0942-C

ORDER

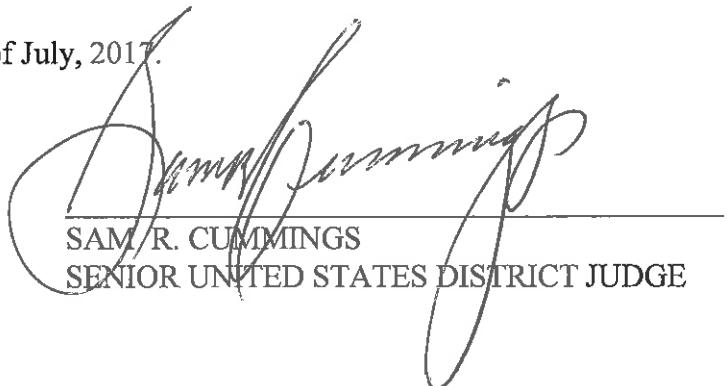
On this day, the Court considered Petitioner David Robert Kitchen's Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, filed April 4, 2017. The United States Magistrate Judge entered his Findings, Conclusions, and Recommendation on June 1, 2017, recommending that the petition be denied. Petitioner filed written objections on June 15, 2017.

Having considered Petitioner's objections, the Court is of the opinion that they are without merit and should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is, therefore, **ORDERED** that the findings and conclusions of the Magistrate Judge are hereby **ADOPTED** as the findings and conclusions of the Court, that Petitioner's petition under 28 U.S.C. § 2241 is **DENIED**, and that the above-styled and -numbered civil action is **DISMISSED with prejudice**.

Pursuant to Rule 22 of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2253(c), this Court finds that a certificate of appealability should be, and is, **DENIED**. For the reasons set forth in the Findings, Conclusions, and Recommendation, Kitchen has failed to show that a reasonable jurist would find (1) this Court's "assessment of the constitutional claims debatable or

wrong" or (2) "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SO ORDERED this 11 day of July, 2017.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE